IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1981

No. 81-81 6854

FREDDIE DAVIS, Petitioner,

v.

STATE OF GEORGIA, Respondent.

APPENDIX TO PETITION FOR
A WRIT OF CERTIORARI TO THE
SUPREME COURT OF GEORGIA

William J. Marett, Jr.
Larry D. Woods

Woods, Bryan, Woods & Watson
A Professional Law Association
121 17th Avenue South
Nashville, TN 37203
(615) 259-4366

Counsel for Petitioner

IN THE SUPERIOR COURT OF BUTTS COUNTY

STATE OF GEORGIA

FREDDIE DAVIS, PETITIONER VS. WALTER D. ZANT, WARDEN, GEORGIA DIAGNOSTIC AND CLASSIFICATION CENTER, RESPONDENT	:	HABEAS CORPUS FILE NO. 5193

ORDER

This habeas corpus challenges the constitutionality of Petitioner's restraint and the imposition of the death penalty by the Superior Court of Meriwether County. Petitioner was convicted of murder and rape. He was sentenced to death for the murder and was given a life sentence for rape. The Supreme Court affirmed the convictions but vacated the death sentence and required a new trial on the issue of punishment for murder. Davis v. State, 240 Ga. 763 (1978). Upon retrial Petitioner was given a death sentence, which was affirmed by the Supreme Court. Davis v. State, 242 Ga. 901 (1979). The Supreme Court of the United States vacated the death sentence and remanded the case for further consideration in light of Godfrey.[1] Upon reconsideration

[1] Godfrey v. Georgia, 446 U.S. 420, 100 S.Ct. 1759, 64 L.Ed.2d 398 (1980).

the Supreme Court reaffirmed the death sentence. Davis v. State, 246 Ga. 432 (1980). Certiorari was denied by the Supreme Court of the United States.

The petition contains 33 numbered counts, of which 14 allege substantive claims for relief (19-32). The Court will rule on those claims for relief by paragraphs corresponding numerically to the paragraphs in the petition.

The record in this case consists of the transcript of the proceedings before this Court on October 1, 1981, and the transcript and record of Petitioner's trials in the Meriwether County Superior Court.

19.

In paragraph 19, Petitioner contends he was denied his right to effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendments and corresponding provisions of the Georgia Constitution.

FINDINGS OF FACT

Petitioner was represented at both trials and on appeal by Ted A. Schumacher. (H.T. 56, 78). Mr. Schumacher graduated from Duke University Law School in 1971. (H.T. 48). From 1971 until 1975, he served in the U. S. Army JAG Corps. Id. Since 1975, he has been in private practice in Columbus, Georgia. (H.T. 49). Prior to Petitioner's trial, Counsel had

been involved in approximately sixty criminal cases. (H.T. 55). He had assisted in a murder trial three months prior to Petitioner's trial. (H.T. 51). This was his first murder trial. Id.

Petitioner initially had refused appointed counsel and had engaged Steve Fanning to represent him. (H.T. 29-30, 59). Mr. Fanning represented Petitioner at his preliminary hearing. (H.T. 30, 59). Subsequently, some problems arose over Mr. Fanning's fee, so Mr. Schumacher was retained seven days prior to Petitioner's trial. (H.T. 56, 59).

Mr. Schumacher moved for a continuance, but the motion was denied. (H.T. 57).

Counsel met with Petitioner at least once prior to trial, and they discussed the circumstances of the offense, Petitioner's life, and his history. (H.T. 8, 57). Counsel testified that he spent seven days and nights preparing and researching areas that he knew would be important, such as blood, tests, hair tests, rape, and evidence. (H.T. 58). Counsel traveled to the scene of the crime in Manchester and talked with people there. Id. He had made arrangements with Petitioner's family to gather as many people as they thought could have helpful information or serve as character witnesses, and Counsel met with them at the home of Petitioner's family. (H.T. 59). Counsel also went to the gas station where Petitioner said his hand had been cut and talked with

people about that. Id. Counsel testified that he talked to as many people that had been suggested by the family as he could while also trying to prepare for trial. (H.T. 60). He found people who would testify and others who would not, a minister in particular. (H.T. 81, 83). Counsel observed the trial of Petitioner's co-defendant and the State's evidence, some of which was introduced at Petitioner's trial. (H.T. 59). Counsel also discussed the case with Mr. Fanning, mainly Petitioner's statements to police. (H.T. 59-60).

Counsel stated that time constraints forced him to make certain decisions. (H.T. 61). He felt certain the trial judge would deny a continuance, so that he would have to be ready for trial; accordingly, Counsel did as much research as he could. Id. He also decided against filing a change of venue motion because it would be too time-consuming but did question jurors on voir dire about pretrial publicity. (H.T. 87-88).

Counsel investigated the circumstances in which Petitioner's hand had been cut but did not try to find the bandage that had been removed. (H.T. 59, 61). Counsel did not want to overemphasize the fact that some blood samples from the crime scene matched Petitioner's blood group. (H.T. 62-63). He also did not think it wise to get the circumstances of the cut

(Petitioner had been in a knife fight three or four days before the murder) before the jury. (H.T. 82).

Counsel testified there was never an offer from the district attorney's office of a life sentence if Petitioner would reveal the identity of a third suspect. (H.T. 85). Counsel told Petitioner that if there were a third party involved and if Petitioner would talk about it, it certainly could not hurt and probably would help him. Id.

Prior to the first trial, Counsel filed motions (R.I, 5-21). He had prepared a motion for individually sequestered voir dire and presented a copy to the prosecutor and trial judge at the pretrial motions hearing. (H.T. 86). Off the record, they advised Counsel against filing the motion because the people of that area would not understand and would think he was hiding something, so Counsel did not file it. Id.

At the first trial, Counsel made an opening statement (T.I, Vol. II, 94-97); cross-examined State witnesses (T.I, Vol. I, 189; 221; Vol. II, 14; 32; 48; 80; 220); made motions (T.I, Vol. I, 209; Vol. II, 85); presented ten witnesses in the guilt/innocence phase, including Petitioner (T. I, Vol. II, 99: 105; 116; 128; 135; 138; 141; 185; 216); gave closing argument in the guilt/innocence phase (T.I, Vol. II, 223-240); did not present additional evidence in the sentencing phase, but asked the jury to consider the Petitioner's testimony (T. I, Vol. II, 265) and gave closing argument (T. I, Vol. II, 277-283).

At the resentencing trial, Counsel gave an opening statement (T. II, Vol. I, 97-101); cross-examined State witnesses (T. II, Vol. I, 142; 158; Vol. II 136; 196; 217; 229; 240; 260); made motions (T. II, Vol. I, 156; Vol. II, 289; 315); and gave closing argument (T. II, Vol. II, 316-353).

At the resentencing trial, the State had not called Petitioner's co-defendant to testify before resting its case. (H.T. 65). Counsel rested its case, without presenting any evidence or witnesses, as a tactic to surprise the district attorney. (H.T. 66). After a lunch recess, the State moved to reopen its case to present the testimony of Petitoner's co-defendant. (T. II, Vol. II, 252-253). Over Counsel's objection, the trial court allowed the State to reopen its case. (T. II, Vol. II, 253-254). Counsel stated the testimony of the co-defendant was worse at the second trial than at the first trial, Counsel had no rebuttal and felt that the evidence he had would not have much effect, so he did not present any witnesses. (H.T. 66). Instead, he concentrated on attacking the co-defendant's testimony in his closing argument. Id.

CONCLUSIONS OF LAW

The Sixth Amendment right to counsel means "...not errorless counsel, and not counsel judged ineffective by hindsight, but counsel reasonably likely to render and rendering reasonably effective assistance." MacKenna v. Ellis, 280 F.2d. 592 (5th Cir. 1960); Pitts v. Glass, 231 Ga. 638 (1974).

Counsel here easily meets the test. He prepared for and advocated Petitioner's cause in a reasonably effective manner. The effort he put forth was certainly reasonably effective within the meaning of the standard.

Petitioner has claimed Counsel was ineffective because he was without sufficient time to confer with Petitioner to develop his defense. Counsel was retained seven days prior to the date of the trial. He moved for a continuance, but it was denied. As a result, Counsel stated that he did everything he could within the time allotted to be ready for trial. Counsel met with Petitioner at least once prior to trial, and they discussed the circumstances of the offense as well as Petitioner's life and history. Petitioner has not shown there was a defense available which was not presented.

Petitioner has also claimed Counsel was ineffective for not investigating circumstances in which Petitioner's hand had been cut prior to the crime and for not obtaining the bandage that had been on his hand to use as evidence.

Counsel testified that he went to the gas station where Petitioner's hand had been cut in a knife fight and talked to people there. Counsel purposely decided not to emphasize the incident because of its potential adverse effects. The Court finds this decision to have been a tactical decision which is the

exclusive province of a lawyer after consultation with his client. Reid v. State, 235 Ga. 378 (1975) The Court does not find Counsel ineffective for this reason.

Petitioner has also alleged counsel was ineffective for not moving to suppress Petitioner's three statements to police. In that the Supreme Court has concluded the statements were admissible (see paragraphs 20-23), the Court does not find Counsel ineffective for failing to object.

Similarly, the Court does not find Counsel ineffective for failing to object to the additon of the (b)(7) aggravating circumstance or to the jury charge on mitigating circumstences. (See paragraphs 27-31).

Petitioner has also claimed Counsel was ineffective for failing to call as character witnesses individuals Petitioner had suggested. Counsel testified that he talked to as many people as he could and found both people willing to testify and those who would not. Counsel did call some of the people suggested by members of Petitioner's family. (H.T. 34; 40).

Finally, Petitioner contends Counsel was ineffective for not calling certain witnesses to testify as to pressure brought upon Petitioner's co-defendant to testify at the resentencing trial. However, Petitioner has made no showing that these witnesses were available or could have impeached the testimony of the co-defendant.

Accordingly, this claim for relief is found to be without merit.

20, 21, 22, 23

In paragraphs 20-23, Petitioner claims that the

admission into evidence of his three statements to police violated his constitutional rights.

FINDINGS OF FACT

The Supreme Court has already concluded Petitioner's first two statements were clearly admissible as statements made prior to any in-custodial interrogation. Davis v. State, 242 Ga. at 904.

Furthermore, the Supreme Court also reviewed the evidence submitted to the trial court at the Jackson-Denno hearing to determine the admissibility of the third statement. Davis v. State, 242 Ga. at 905. The Court upheld the trial court's determination that the statement was freely and voluntarily made and, therefore, admissible. Id.

CONCLUSIONS OF LAW

Findings of the Supreme Court are binding upon this Court for the purposes of review. Elrod v. Ault, 231 Ga. 750 (1974); Stephens v. Balkcom, 245 Ga. 492(2) (1980).

Accordingly, this allegation is found to be without merit.

24, 25, 26

In paragraphs 24-26, Petitioner alleges the prosecutor made an improper closing argument at the resentencing trial which violated Petitioner's right to due process of law and right to remain silent.

FINDINGS OF FACT

The Court has examined the closing argument of the prosecutor. (T. II, Vol. II, 289-315).

CONCLUSIONS OF LAW

A prosecutor may comment on a defendant's failure to produce evidence. Wood v. State, 234 Ga. 758(2)(1975); White v. State, 242 Ga. 21(5)(1978). Thus, the prosecutor's comment upon Petitioner's failure "to repute or dispute or rebute any evidence that we have submitted" (T. II, Vol. II, 314) was not improper.

A prosecutor may also argue for a death sentence and offer plausible reasons for his position. Allen v. State, 187 Ga. 178, 182 (1938); Strickland v. State, 209 Ga. 675(2)(1953); Chenault v. State, 234 Ga. 216, 224 (1975). He may urge severe punishment. Bailey v. State, 153 Ga. 413(4)(1922); Chenault v. State, supra.

The Court finds the prosecutor did not exceed the bounds of permissible argument. Leutner v. State, 235 Ga. 77, 84 (1975); Chenault v. State, supra; Redd v. State, 242 Ga. 876 (4)(1979).

Accordingly, this claim for relief is found to be without merit.

27, 28, 29, 30, 31

In paragraphs 27-31, Petitioner contends that the jury instructions and proceedings at his resentencing

trial violated his constitutuional rights. Specifically, he claims the Ga. Code Ann. §27-2534.1(b)(7) aggravating circumstance was unconstitutionally applied; that the finding of the (b)(7) aggravating circumstance at his resentencing trial violated the Fifth Amendment ban against double jeopardy; that the reimposition of the death sentence by the Supreme Court upon remand was improper; and, that the jury instructions on mitigating circumstances were deficient.

FINDINGS OF FACT

At Petitioner's first trial, the jury was instructed upon and found the existence of the Ga. Code Ann. §27-2534.1(b)(2) aggravating circumstance. (R.1, 3-4; 25-27).

At the resentencing trial, the jury was instructed upon and found the existence of the (b)(2) and (b)(7) aggravating circumstances. (R. 11, 6-7; 20-23).

Upon remand for reconsideration in light of Godfrey v. Georgia, supra, the Supreme Court expressly upheld the finding of the (b)(7) aggravating circumstance in this case. Davis v. State, 246 Ga. at 434.

CONCLUSIONS OF LAW

Contrary to Petitioner's assertion, the Supreme Court has already concluded the (b)(7) aggravating circumstance was constitutionally applied. Implicit in this finding would be the conclusion that the jury instructions sufficiently channeled the jury's discretion.

As to his second ground, Petitioner relies upon Bullington v. Missouri, ____ U.S. ____, 101 S.Ct.___, 68, L.Ed.2d 270 (1981), to assert the State was barred by the Fifth Amendment double jeopardy clause from introducing the (b)(7) aggravating circumstance at the resentencing trial because it was not sought at his first sentencing trial.

Bullington is distinguishable upon its facts from the case at bar in that "in Bullington there was a life sentence imposed at the first sentencing procedure whereas in the instant case a death penalty was imposed. Therefore, the danger of repeated attempts by the State to wear a defendant down and obtain the desired result is not present." Godfrey v. State, _____Ga. _____ (No. 37683, 37684, November 24, 1981), slip op. at 5.

The Court in Godfrey held that the State is not limited to the aggravating cirsumstances relied upon at the first sentencing trial. "We do not agree that failure to submit aggravating circumstances which are raised by the evidence is an implied directed verdict of acquittal on these aggravating circumstances." Godfrey v. State, supra, slip op. at 6.

Under the rule announced in Godfrey, Petitioner's rights were not violated by the State's introduction of the (b)(7) aggravating circumstance at his resentencing trial.

Thirdly, the Court is aware of no requirement that Petitioner be heard when the Supreme Court reconsiders

a death sentence upon remand.

Finally, the Court has examined the jury instructions given at the resentencing trial. (T. 11, Vol. 11, 353-362). The trial judge clearly defined mitigating circumstances and told the jury what the functions of mitigating circumstances would be in their deliberations. The charge meets the requirements laid out in Spivey v. Zant, 661 F.2d 464 (1981).

Accordingly, the allegations in paragraphs 27-31 are found to be without merit.

32

In paragraph 32, Petitioner claims that his Eighth and Fourteenth Amendment rights were violated by the failure of the appellate courts to review his sentence and determine that it falls into the category of "most extreme cases" in which the death penalty is justified.

The appellate review procedures under Georgia's death penalty statute have been held constitutional. Smith v. Balkcom, 660 F.2d 573 (1981).

Accordingly, this allegation is found to be without merit.

WHEREFORE, all allegations in the petition having been found to be without merit, the petition is hereby denied.

SO ORDERED, this 5 day of February, 1982.

Alex Crumbley

ALEX CRUMBLEY
JUDGE SUPERIOR COURTS
FLINT JUDICIAL CIRCUIT

Application No. 1996

SUPREME COURT OF GEORGIA

ATLANTA, March 24, 1982

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

Freddie Davis v. Walter D. Zant, Warden

Upon consideration of the application for a certificate of probable cause to appeal filed in this case, it is ordered that it be hereby denied.

SUPREME COURT OF THE STATE OF GEORGIA,

CLERK'S OFFICE, ATLANTA,

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Applic. No. 1996

SUPREME COURT OF GEORGIA

ATLANTA, April 8, 1982

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

FREDDIE DAVIS V. WALTER D. ZANT, WARDEN

Upon consideration of the Motion for Reconsideration filed in this Application, it is ordered that it be hereby denied.

SUPREME COURT OF THE STATE OF GEORGIA,

CLERK'S OFFICE, ATLANTA,

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Hazel E. Gaither, Legate Clerk.

Application No. 1996

SUPREME COURT OF GEORGIA

ATLANTA, April 8, 1982

The Honorable Supreme Court met pursuant to adjournment.

XXXXXXXXXXXXXXXXXXXXXX

By Smith, J.

The following direction was given:

FREDDIE DAVIS V. WALTER D. ZANT, WARDEN

Upon consideration of the motion for a stay of this court's remittitur in order that an appeal or an application for certiorari may be filed in the Supreme Court of the United States to obtain a review of this court's order rendered in this case on 3-24-82, such motion is hereby granted, subject to the following conditions:

(1) The clerk of this court is directed to withhold the transmittal of such remittitur to the trial court for ninety days from the date of this court's judgment.

(2) The clerk of this court is directed to transmit such remittitur to the trial court not later than the ninety-fifth day from the date of this court's judgment, provided that the clerk shall continue to withhold the transmittal of such remittitur if the clerk is notified in writing that an appeal or application for certiorari has been timely filed in the Supreme Court of the United States. Upon the timely filing of such appeal or application in the Supreme Court of the United States, the clerk is directed to withhold the transmittal of such remittitur until the final disposition of the case by that Court.

George T. Smith, Justice

SUPREME COURT OF THE STATE OF GEORGIA,

CLERK'S OFFICE, ATLANTA,

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Witness my signature and the seal of said court hereto affixed the day and year last above written.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Appendix to Petition for A Writ of Certiorari to the Supreme Court of Georgia has been placed with the U.S. Mail, postage prepaid, and addressed to Mary Beth Westmoreland, Assistant Attorney General, Attorney General's Office, 132 State Judicial Building, 40 Capitol Square, Atlanta, GA 30334 and to Mike Bowers, Attorney General of the State of Georgia, Attorney General's Office, 132 State Judicial Building, 40 Capitol Square, Atlanta, GA 30334 on this the 4th day of JUNE, 1982.

William J. Marett, Jr.

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

OCTOBER TERM, 1982

FREDDIE DAVIS, Petitioner,	)	
v.	)	No. 81-6854
STATE OF GEORGIA, Respondent.	)	

PETITION FOR REHEARING

Larry D. Woods
William J. Marett, Jr.

WOODS, BRYAN, WOODS & WATSON
A Professional Law Association
121 17th Avenue South
Nashville, TN 37203
(615) 259-4366

Counsel for Petitioner

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

OCTOBER TERM, 1982

FREDDIE DAVIS, Petitioner,	)	
v.	)	No. 81-6854
STATE OF GEORGIA, Respondent.	)	

PETITION FOR REHEARING

On the basis of this court's decision in Zant v. Stephens, No. 81-89 (May 3, 1982), petitioner Freddie Davis respectfully moves this court for an order:

1.

Vacating the denial of petitioner's writ of certiorari entered on October 4, 1982.

2.

Granting petitioner's petition for writ of certiorari to review the judgment of the Supreme Court of the State of Georgia denying petitioner's application for a certificate of probable cause to appeal the denial of his petition for writ of habeas corpus.

In Zant v. Stephens this court certified the following question to the Supreme Court of the State of Georgia:

> What are the premises of state law that support the conclusion that the death sentence in this case is not impaired by the invalidity of one of the statutory aggravating circumstances found by the jury?

The circumstances of Zant are very similar to petitioner's. In Zant, the defendant was found guilty of murder and sentenced to death based upon the jury's finding three specific

aggravating circumstances. On appeal, the Georgia Supreme Court set aside one of the three statutory aggravating circumstances found by the jury. Stephens v. State, 237 Ga. 259, 227 S.E.2d 261, cert. denied 429 U.S. 986 (1976). The Georgia Supreme Court upheld the death sentence, however, on the grounds that the evidence supported the jury's findings of the other statutory aggravating circumstances and subsequently the death sentence was not impaired. 237 Ga. at 261-262, 227 S.E.2d at 263.

Upon writ of federal habeas corpus, the United States Court of Appeals for the Fifth Circuit reversed the district court's denial of habeas corpus insofar as it left standing the petitioner's death penalty and remanded it for further proceedings. 631 F.2d 397, 407 (5th Cir. 1980), modified, 648 F.2d 446 (1981). Upon the granting of the state's petition for certiorari, this court determined that there was considerable uncertainty about the state-law premises of the Georgia rule that the failure of one aggravating circumstance does not so taint the proceedings as to invalidate other aggravating circumstances and the sentence of death. This court declined to rule on the validity of the Georgia rule but stated that the uncertainty surrounding it might undermine the confidence expressed in the Georgia capital sentencing system which was upheld in Gregg v. Georgia, 428 U.S. 153 (1956). Therefore, the court remanded the case to the Georgia Supreme Court for the determination of the certified question.

The facts in the Stephens v. Zant case are very similar to petitioner's case. At petitioner's first sentencing trial, the state alleged only the "aggravating circumstance" of "commission of an additional capital felony, to wit, rape" and on that basis the jury recommended the death verdict. After the reversal of the death sentence on direct appeal, Davis v. State, 240 Ga. 763, 243 S.E.2d 12 (1978), at the new sentencing trial, the state added the allegation of "aggravating circumstances" that the offense was

"outrageously, wantonly vile, inhuman and involved torture and depravity of the mind . . . and aggravated battery." The addition of this second allegation involved no new evidence and in fact resulted in the use of the same witnesses and the same testimony as at the first trial. Petitioner's death sentence was then vacated in light of this court's ruling in Godfrey v. Georgia, Davis v. Georgia, 446 U.S. 961, 100 S. Ct. 2934, 64 L.Ed.2d 819 (1980). However, the Georgia Supreme Court reimposed the death sentence thereafter by simply holding that the jury was "authorized" to impose the death sentence. Davis v. State, 246 Ga. 432, 271 S.E.2d 828 (1980). Petitioner, in his petition for certiorari, questioned the validity of the Georgia Supreme Court's actions in light of Gregg v. Georgia, Godfrey v. Georgia and Zant v. Stephens.

Petitioner believes that in order to properly determine the issues raised in his petition for certiorari, this court must reserve a decision until it has received the answer to the question certified to the Georgia Supreme Court in Stephens v. Zant and has ruled upon the validity of the Georgia rule holding that failure of one aggravating circumstance does not invalidate a death penalty based on other aggravating circumstances.

So as to avoid any further delay in a full and complete hearing of these claims, and in light of this court's ruling in Stephens v. Zant, petitioner prays for a rehearing and that the writ of certiorari issue.

WOODS, BRYAN, WOODS & WATSON
A Professional Law Association

By: _____
Larry D. Woods

By: _____
William J. Marett, Jr.

121 17th Avenue South
Nashville, TN 37203
(615) 259-4366

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Petition for Rehearing has been placed with the United States Mail, postage prepaid, and addressed to Mike Bowers, Attorney General, State of Georgia, and to Mary Beth Westmoreland, Assistant Attorney General, Attorney General's Office, 132 State Judicial Building, 40 Capitol Square, Atlanta, GA 30334 on this the 14th day of October, 1982.

William J. Marett, Jr.

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

OCTOBER TERM, 1982

FREDDIE DAVIS, Petitioner,	)	
v.	)	No. 81-6854
STATE OF GEORGIA, *Respondent.*	)	

CERTIFICATE OF COUNSEL

The undersigned counsel hereby certify that this petition for rehearing is restricted to the grounds specified in Rule 51.2 and that this petition for rehearing is presented in good faith and not for delay.

This the 14th day of October, 1982.

WOODS, BRYAN, WOODS & WATSON
A Professional Law Association

By: Larry D. Woods
Larry D. Woods

121 17th Avenue South
Nashville, TN 37203
(615) 259-4366

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Certificate of Counsel has been placed with the United States Mail, postage prepaid, and addressed to Mike Bowers, Attorney General, State of Georgia, and to Mary Beth Westmoreland, Assistant Attorney General, Attorney General's Office, 132 State Judicial Building, 40 Capitol Square, Atlanta, GA 30334 on this 14th day of October, 1982.

Larry D. Woods